



Missouri Department of Natural Resources
Regulatory Impact Report
For
Proposed Amendment 10 CSR 10 - 2.210

Division/Program Division of Environmental Quality/Air Pollution Control
Program _____

Rule number 10 CSR 10 - 2.210 Rule title Control of Emissions From Solvent
Metal Cleaning

Type of rule: Amendment

Nature of the rule: Prescribes environmental standards
Administrative

Submitted by

Program Director Date

Approval of the Completed Regulatory Impact Report

Legal Counsel Date

Division Director Date

Missouri Department of Natural Resources
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Applicability: Pursuant to Section 640.015 RSMo, “all rulemakings that prescribe environmental conditions or standards promulgated by the Department of Natural Resources...shall... be based on the regulatory impact report....” This requirement shall not apply to emergency rulemakings pursuant to section 536.025 or to rules of other applicable federal agencies adopted by the Department “without variance.”

The Missouri Department of Natural Resources has determined this rulemaking prescribes environmental conditions or standards and verifies that this rulemaking is not a simple unvarying adoption of rules from other federal agencies. Accordingly, the Department has produced this regulatory impact report which will be made publicly available for comment for a period of at least 60 days. Upon completion of the comment period, official responses will be developed and made available on the agency web page prior to filing the proposed rulemaking with the Secretary of State. Contact information is at the end of this regulatory impact report.

1. Describe the environmental conditions or standards being prescribed.

The purpose of the proposed rule amendment is to clarify the rule, thereby addressing industry concerns about provisions in the current rule related to enforcement and compliance. The amendment clarifies the rule by consolidating exemptions in the applicability section, clarifying exemptions such as hand cleaning/wiping and flush cleaning, adding definitions to new and previously undefined terms, clarifying rule language regarding equipment specifications and operating procedure requirements for airless and airtight cleaning systems, and adding rule language regarding spray gun cleaning equipment operating procedures.

2. A report on the peer-reviewed scientific data used to commence the rulemaking process.

The proposed rule amendment development does not require review of peer-reviewed scientific data because the purpose of the rulemaking is to clarify enforcement and compliance issues related to the substantive requirements in the current rule. The proposed rule amendment will use the rule language developed by the solvent metal cleaning workgroup for 10 CSR 10-5.300 Control of Emissions From Solvent Metal Cleaning, that applies to the St. Louis metropolitan area. This workgroup was comprised of affected industries, the U.S. Environmental Protection Agency and the department's regional offices and met several times between May 2002 and May 2005 to discuss and focus on issues and concerns to develop the amended 10 CSR 10-5.300 rule language that was adopted by the commission on July 20, 2006.

3. A description of the persons who will most likely be affected by the proposed rule, including persons that will bear the costs of the proposed rule and persons that will benefit from the proposed rule.

The proposed rule amendment would most likely affect and benefit the facilities that use spray gun cleaning equipment such as automobile repair industry and furniture refinishing shops, and companies that offer the service of leasing the spray gun cleaning equipment in the Kansas City metropolitan area.

4. A description of the environmental and economic costs and benefits of the proposed rule.

The proposed rule amendment provides additional options when using spray gun cleaning equipment besides remote closed top spray cleaning machines. The spray gun cleaning equipment is to be kept closed when not in use and is therefore expected to reduce fugitive solvent emissions.

The proposed rule amendment is expected to lower the costs and improve environmental compliance by addressing industry concerns about provisions in the current rule related to enforcement and compliance.

5. The probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenue.

The program does not expect this agency or any other agency will incur additional costs to implement and enforce this proposed rulemaking. The proposed rulemaking will have no effect on State revenue.

6. A comparison of the probable costs and benefits of the proposed rule to the probable costs and benefits of inaction, which includes both economic and environmental costs and benefits.

Since this rulemaking is a clarification of enforcement and compliance issues in the current rule, there is no means to measure the difference between environmental costs or benefits when comparing the rule making to inaction.

7. A determination of whether there are less costly or less intrusive methods for achieving the proposed rule.

Not applicable. The proposed rulemaking is based on rule language developed by a workgroup for rule 10 CSR 5.300 Control of Emissions From Solvent Metal Cleaning that applies to the St. Louis metropolitan area.

8. A description of any alternative method for achieving the purpose of the proposed rule that were seriously considered by the department and the reasons why they were rejected in favor of the proposed rule.

This amendment is the alternative to the current rule. This proposed amendment is based on rule language developed by a workgroup for rule 10 CSR 5.300 Control of Emissions From Solvent Metal Cleaning that applies to the St. Louis metropolitan area.

9. An analysis of both short-term and long-term consequences of the proposed rule.

By analyzing both short-term and long-term consequences, the program determined that if the proposed rule amendment is not promulgated, industry would continue to have concerns about provisions in the current rule related to enforcement and compliance.

10. An explanation of the risks to human health, public welfare or the environment addressed by the proposed rule.

Since this rulemaking is only a clarification of the existing rule, the program does not anticipate any change in risks to human health, public welfare, and/or the environment associated with this proposed rulemaking.

11. The identification of the sources of scientific information used in evaluating the risk and a summary of such information

Not applicable.

12. A description and impact statement of any uncertainties and assumptions made in conducting the analysis on the resulting risk estimate.

Not applicable.

13. A description of any significant countervailing risks that may be caused by the proposed rule

None known.

14. The identification of at least one, if any, alternative regulatory approaches that will produce comparable human health, public welfare or environmental outcomes.

This amendment is the alternative to the current rule.

15. Provide information on how to provide comments on the Regulatory Impact Report during the 60-day period before the proposed rule is filed with the Secretary of State.

Formal comments can be provided on either the Regulatory Impact Report or the draft rule text by sending them to the contact listed below.

Questions and/or comments may be sent to:

Chief, Operations Section
Missouri Department of Natural Resources' Air Pollution Control Program
P.O. Box 176
Jefferson City, MO 65102-0176

or

Missouri Air Conservation Commission
P.O. Box 176
Jefferson City, MO 65102-176

or

call: (573) 751-4817

16. Provide information on how to request a copy of comments or the web information where the comments will be located.

Copies of formal comments made on either the Regulatory Impact Report or the draft rule text may be obtained by request from the contacts listed above or by accessing the Rules In Development section at Web site www.dnr.mo.gov/env/apcp/RulesDev.htm for this particular rulemaking.